IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.698 OF 2005

Ramesh Damu Shinde ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.S.V.Marwadi for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 11, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Even if the argument of Applicant that he proceeded on leave only from 12th September 2004 was to be accepted, so as to doubt the correctness of the prosecution case about his presence in the village on 10th September 2004, even so, that will

be of no avail to the Applicant, having regard to the evidence of Chandrakant Madhav Jadhav, who is incidentally close relation of the Applicant and was staying with the Applicant at the relevant time. The argument that there was no way of Chandrakant witnessing the incident of assault by the Applicant, also does not commend to me. I find substance in the argument of learned A.P.P. that going by the panchnama as it is, it appears that there was door to the room, inside which, the Applicant was found assaulting the deceased.

3. Be that as it may, as there is direct evidence on record and there is no reason to doubt the version of the evidence of Chandrakant Madhav Jadhav at this stage, not a case for bail having regard to the seriousness of the offence. Hence, dismissed.

4. The District Judge, Nasik is directed to assign the case to the Fast Tract Court, if already not done, so as to ensure early disposal of the trial.

5. It is made clear that the observations made in this order will not influence the trial, which will have to be disposed of on its own merits, in accordance with law.

A.M.KHANWILKAR, J.